

Message

From: Turk, David [Turk.David@epa.gov]
Sent: 6/14/2019 3:15:39 PM
To: Hanley, Mary [Hanley.Mary@epa.gov]
CC: Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]; Reisman, Larry [Reisman.Larry@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Anderson, Steve [Anderson.Steve@epa.gov]; Skane, Elizabeth [Skane.Elizabeth@epa.gov]; Levine, Carolyn [Levine.Carolyn@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Krasnic, Toni [krasnic.toni@epa.gov]; Thaler, Elizabeth [thaler.elizabeth@epa.gov]; Sadowsky, Don [Sadowsky.Don@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Subject: Re: SEPW PFAS bill - TRI

This was the CBI language that we had recommended. Whether it still presents issues, I don't know. I'm not an expert on TSCA CBI.

Below are suggested edits making this provision more consistent with the terminology in TSCA, although the whole idea seems to be an attempt to amend TSCA 14(f) without actually changing 14(f), which is a little weird, for lack of a better term. We have some concerns that "Review in accordance with 14(f)" is a potentially problematic way to require a review that is not actually authorized by 14(f). Let us know if you have further questions.

(4) CONFIDENTIAL BUSINESS INFORMATION. – Prior to including any perfluoroalkyl or polyfluoroalkyl substance whose chemical identity is subject to a person's claim that it is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (4) of such section, on the toxics release inventory list under subsection (c) of section 313 of the Emergency Planning and Community Right-To-Know Act (42 U.S.C. 11023), the Administrator shall review a claim for protection of information from disclosure and require any person that has claimed protection for that information to reassert and substantiate or resubstantiate the claim in accordance with substantiate or re-substantiate such claim pursuant to section 14(f) of the Toxic Substances Control Act, and, following such review, and determination substantiation or re-substantiation, include the perfluoroalkyl or polyfluoroalkyl substance on the list in a manner that does not disclose any information that remains protected~~exempt~~ from disclosure.

Sent from my iPhone

On Jun 14, 2019, at 10:22 AM, Hanley, Mary <Hanley.Mary@epa.gov> wrote:

+ Charlotte

From: Kaiser, Sven-Erik
Sent: Friday, June 14, 2019 10:14 AM
To: Turk, David <Turk.David@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>
Cc: Reisman, Larry <Reisman.Larry@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Anderson, Steve <Anderson.Steve@epa.gov>; Skane, Elizabeth <Skane.Elizabeth@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Krasnic, Toni

<krasnic.toni@epa.gov>; Thaler, Elizabeth <thaler.elizabeth@epa.gov>; Sadowsky, Don
<Sadowsky.Don@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy
<Beck.Nancy@epa.gov>

Subject: RE: SEPW PFAS bill - TRI

Dave – thanks for summarizing the issues. I can confirm that SEPW's goal on the second issue is to capture the universe of PFAS chemicals where EPA has made a risk based regulatory decision via a SNUR. Best,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: Turk, David

Sent: Friday, June 14, 2019 9:34 AM

To: Hanley, Mary <Hanley.Mary@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>

Cc: Reisman, Larry <Reisman.Larry@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Anderson, Steve <Anderson.Steve@epa.gov>; Skane, Elizabeth <Skane.Elizabeth@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>; Thaler, Elizabeth <thaler.elizabeth@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>

Subject: RE: SEPW PFAS bill - TRI

I believe there are two aspects of the TA that are prompting possible confusion. I've CCed Alex and Nancy as requested by Mary.

1. In terms of the chemicals that would be automatically added upon enactment of the bill. The bill refers to 2 specific CFR citations. The recent TA provided indicates a concern related to listing via CFR references.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

2. How to define which future EPA actions (i.e., post enactment) would trigger automatic listings has been an ongoing conversation with the hill.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

2b. A related aspect of this issue involves the mechanisms of how chemicals get onto the TSCA list, and the terminology/triggers in terms of what will cause a chemical to have the “active” flag.

-Dave

From: Hanley, Mary

Sent: Friday, June 14, 2019 9:02 AM

To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>

Cc: Reisman, Larry <Reisman.Larry@epa.gov>; Turk, David <Turk.David@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Scheifele, Hans

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<thaler.elizabeth@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>

Subject: RE: SEPW PFAS bill - TRI

Updated request: In addition to providing the information in the email below before the call, Alex wants to be on the call. She has availability until 1:30 today. Please also copy Nancy and Charlotte. Thanks.

From: Hanley, Mary

Sent: Friday, June 14, 2019 8:57 AM

To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>

Cc: Reisman, Larry <Reisman.Larry@epa.gov>; Turk, David <Turk.David@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Scheifele, Hans

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Subject: RE: SEPW PFAS bill - TRI

Mark, Hans, Larry

Before the call would you please clarify before the inconsistency, how you plan to resolve the inconsistency and what you plan to recommend so that I can share here. Thanks

M

From: Kaiser, Sven-Erik

Sent: Friday, June 14, 2019 8:44 AM

To: Fisher, Bethany <fisher.bethany@epa.gov>

Cc: Reisman, Larry <Reisman.Larry@epa.gov>; Turk, David <Turk.David@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hartman, Mark

<Hartman.Mark@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>; Pierce, Alison

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<krasnic.toni@epa.gov>; Thaler, Elizabeth <thaler.elizabeth@epa.gov>; Sadowsky, Don

<Sadowsky.Don@epa.gov>

Subject: Re: SEPW PFAS bill - TRI

Thanks Bethany

On Jun 14, 2019, at 8:41 AM, Fisher, Bethany <fisher.bethany@epa.gov> wrote:

On the OGC side, Steve Anderson, Liz Thaler, and Don Sadowsky would be the key contacts. I've cc'd everyone here and am including the original attachments for reference.

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

From: Kaiser, Sven-Erik
Sent: Friday, June 14, 2019 8:39 AM
To: Reisman, Larry <Reisman.Larry@epa.gov>
Cc: Turk, David <Turk.David@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>; Anderson, Steve <Anderson.Steve@epa.gov>; Skane, Elizabeth <Skane.Elizabeth@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>
Subject: Re: SEPW PFAS bill - TRI

Now looking like 11:15 am today for a call with SEPW on TRI. Will send a scheduler with call number

On Jun 13, 2019, at 9:56 PM, Reisman, Larry <Reisman.Larry@epa.gov> wrote:

I can do the times Dave mentions as well and frankly Dave knows more about this matter than me so it's more important that Dave is able to participate.

Larry

Sent from my iPhone

On Jun 13, 2019, at 9:19 PM, Turk, David <Turk.David@epa.gov> wrote:

I can do a call before 9:30. And then between 11 and noon. I have no availability on Monday.

Sent from my iPhone

On Jun 13, 2019, at 6:56 PM, Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov> wrote:

TRI team – the attached text will be the basis for the Senate EPW business meeting on Weds, June 19. Several PFAS bills are combined into one stand alone document – the TRI portion is on pp 2-13 of the PDF

version. As mentioned in the committee staff's note below – they were concerned that the most recent TRI TA (attached) seemed not consistent with their understanding of earlier TA discussions regarding the best way to capture new chemicals and what SNURs trigger TRI reporting. As a result, SEPW retained the earlier language and request assistance in resolving the questions raised by the most recent TA. They would like a call to resolve the questions – unfortunately they only have until noon Monday to make any changes to the language. After that it will be much harder to make changes. Realizing this is short notice, what availability do folks have for **a call tomorrow on Fri, June 14**. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

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1200 Pennsylvania Ave., NW (1305A)

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202-566-2753 (o)

202-591-0619 (c)

From: Freedhoff, Michal (EPW)

<Michal_Freedhoff@epw.senate.gov>

Sent: Thursday, June 13, 2019 5:52 PM

To: Kaiser, Sven-Erik <Kaiser.Sven-

Erik@epa.gov>; Levine, Carolyn

<Levine.Carolyn@epa.gov>; Skane,

Elizabeth <Skane.Elizabeth@epa.gov>

Cc: Memmott, Justin (EPW)

<Justin_Memmott@epw.senate.gov>;

Olsen, Elizabeth (EPW)

<Elizabeth_Olsen@epw.senate.gov>;

Cone, Travis (Capito)

<Travis_Cone@capito.senate.gov>;

Baugh, Jordan (Gillibrand)

<Jordan_Baugh@gillibrand.senate.gov>

; Tulou, Christophe (EPW)

<Christophe_Tulou@epw.senate.gov>;

Kane, John (EPW)

<John_Kane@epw.senate.gov>

Subject: NDAA amendment

Hi all

The attached was filed as a Capito-Carper-Barrasso amendment to NDAA (Senators Gillibrand, Sullivan and Shaheen were added as cosponsors shortly after we filed). It consists of many of the pieces you've seen and provided TA on, and a few you have not. Additionally, there was some TA that came in too late for us to process, other TA we didn't have time to resolve, and some provisions that Senate leg counsel redrafted that we had limited time to review before the filing deadline. The upshot is that this is the text we are also likely to use as base text for noticing the June 19 EPW business meeting, but we anticipate making changes to this text and possibly adding to it at the Wednesday business meeting which could then find their way back to NDAA Floor consideration.

So – please provide feedback or questions/concerns as soon as you are able to. One specific matter we know we would like to resolve is the TRI SNUR references, which are unchanged from the last time you saw them because we are hearing conflicting messages from you on how to best draft that.

Thank you again for all of the TA and time-

Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public
Works Democratic Staff

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<SEPW TA.TSCA TRI.6.10.19.docx>

<MAZ19601NDAAFINALFILED.pdf>

<SEPW TA.TSCA TRI.6.10.19.docx>